

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence proffered at the hearing before the District Judge (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.
3. The detail of any testimony desired to be introduced at the hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

Disposition

BEFORE THE COURT is Respondent Ray Hobbs’s June 23, 2014 Motion to Dismiss. (Doc. No. 9). Petitioner did not file a response. After reviewing the parties’ briefing and the available evidence, the Court finds that Respondent’s Motion should be GRANTED and the Petition for Writ of Habeas Corpus (Doc. No. 2) should be DISMISSED.

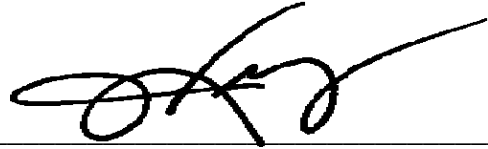
Petitioner requests relief pursuant to 28 U.S.C. § 2254 for various reasons. He essentially made the same arguments in a petition for writ of habeas corpus filed on August 7, 2012, but that petition was denied because his arguments were procedurally defaulted. *Newton v. Hobbs*, No. 5:12-cv-301 (E.D. Ark. 2012).

As noted in Respondent’s motion, the Court lacks jurisdiction to consider Petitioner’s current claims because his petition is successive. “Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate

court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C.A. § 2244(b)(3)(A). Petitioner has not sought or received “authorization from the Court of Appeals before filing his second challenge,” so the Court cannot hear his arguments. *Burton v. Stewart*, 549 U.S. 147, 153 (2007).

IT IS THEREFORE ORDERED that Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 2) be, and it is hereby, dismissed, without prejudice. The relief prayed for is DENIED.

SO ORDERED this 29th day of July, 2014.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

United States Magistrate Judge